

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2023

Public Authority: Belfast Health and Social Care Trust
Address: Non Clinical Support Building
274 Grosvenor Road
Belfast BT12 6BA

Decision

1. The Commissioner's decision is that Belfast Health and Social Care Trust is entitled to aggregate the complainant's requests under section 12(4) of FOIA and to rely on section 12(1) to refuse the request as the cost of complying with it would exceed the appropriate limit. There was no breach of section 16(1), which concerns advice and assistance. It is not necessary for the Trust to take any steps.

Request and response

2. The complainant made the following information request to Belfast Health and Social Care Trust ('the Trust') on 18 July 2022:

"Please provide the following information from the following groups.

- 1 Belfast trust.
- 2 Community Restorative Justice.
- 3 HEART Healthy Living Centre.
- 4 Traveller Early Intervention Project.
- 5 Public health agency.

Please provide all communications between those groups and including all emails and images, all correspondence between these dates. from the 1 april 2016 to 14 of july 2019.

Please also provide the following information, communications between those groups, video and audio recordings, from the groups below, on these dates 28 of July 2021 to 18 of July 2022

Belfast Trust.
HEART Healthy Living Centre.
Community Restorative Justice.

Please also provide the names of the workers who work for the following groups, who are funded by the Belfast Trust and the public health agency.

HEART Healthy Living Centre.
Community Restorative Justice.
Traveller Early Intervention Project.

Please provide all the information to what I am entitled under the Freedom of Information Act. The Act covers all recorded information held by a public authority."

3. When asked to by the Trust, the complainant submitted a narrowed request on 20 July 2022 as follows:

"Communication requested is in relation to Irish travellers, I hope this narrows it down and does not exceed 18 hr limit.

Please provide the following information from the following groups.

- 1 Belfast trust
- 2 Community Restorative Justice
- 3 HEART Healthy Living Centre
- 4 Traveller Early Intervention Project
- 5 Public health agency

Please provide all emails, all emails in relation to Irish travellers, between these dates. from the 1 April 2016 to 14 of July 2019."

4. The Trust's final position (its reference 27602) was to refuse the request under section 12(1) of FOIA.

Reasons for decision

5. Under section 12(1) of FOIA a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. This is

£450 (18 hours work) for non government departments such as the Trust.

6. The effect of the provisions under section 12(4) of FOIA and regulation 5(2) of the Fees Regulations mean that a public authority may aggregate the cost of complying with two or more requests if the following three criteria are met:
 - the requests are made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign
 - two or more requests relate, to any extent, to the same or similar information; and
 - the requests were received by the public authority within any period of 60 consecutive working days.
7. In its submission to the Commissioner, the Trust has explained that it received six FOIA requests from the complainant relating to similar information within 60 days of each other. It responded to the first three requests, but when the Trust received another three, the Trust considered that they were all part of a "campaign".
8. Given the time the Trust says it had already spent responding to the first three requests, it took the decision to aggregate the further three requests with the previous three. It is satisfied that it made the correct decision based on the Commissioner's discussion of aggregation in his [published guidance on section 12](#) (page 12, point 39).
9. The Trust provided the Commissioner with a breakdown of the time it has spent locating, retrieving and extracting the information for the three requests which it did respond to: reference 27297 (19/07/22), 27303 (20/06/22) and 27318 (30/06/22).
 - 27297: 2 x persons @ 4 hours each = 8 hours
 - 27303: 1 x person @ 3 hours
 - 27318: 1 x person @ 3 hours
 - Plus 3 persons @ 5 hours (reviewing, checking and cross referencing across all three requests 27927, 27303, 27318). The Commissioner understands that these tasks took five hours in total across the three individuals, not 15 hours.
10. The Trust has provided the Commissioner with copies of the above three requests.

11. The Commissioner has reviewed those requests and considers that the Trust's estimations of how long it took to deal with them is credible. The Trust had therefore spent over 18 hours dealing with requests received from the complainant between 20 June 2022 and 19 July 2022. The current request was then received on 20 July 2022.
12. The Commissioner is satisfied that the criteria at paragraph 6 are met. The request in this case was submitted by the same person, concerns similar subject matter and was submitted within 60 working days of a previous request; the requests submitted between 20 June 2022 and 19 July 2022. And the very broad time parameters of the refined request would still encompass a considerable amount of information. As such, the Commissioner has decided that the Trust was entitled to aggregate the current request with the earlier requests and to refuse to comply with it under section 12(1) of FOIA.
13. Section 16(1) of FOIA obliges a public authority to offer an applicant advice and assistance to help them refine their request to bring complying with it within the cost limit if it is reasonable to do so. The Trust considers it has met this obligation by asking the complainant to refine their request so it could better understand what exactly information they wanted. The Trust advised the complainant that their request (of 18 July 2022) was broad and unclear. It asked the complainant to specify what the subject of the requested communications was and asked the complainant to "narrow" the request. The Trust did not, however, suggest how the request might be narrowed.
14. The Trust received the clarified request on 20 July 2022, after it had responded to the initial three requests. Once it became apparent these requests were all part of what the Trust described as "a campaign", the Trust aggregated the request with the previous requests. This meant that complying with the request exceeded the 18 hour limit.
15. In the circumstances of this request, because the appropriate limit had already been exceeded at the point that the Trust received the current request, it would not have been possible to meaningfully refine the request – for example by narrowing it to one year only – to bring complying with it within the limit. The Commissioner therefore finds that there was no breach of section 16(1).

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
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